

Summary of SC94478, *State ex rel. ISP Minerals Inc. v. The Labor and Industrial Relations Commission*

Writ proceeding originating in the labor and industrial relations commission

Argued and submitted March 18, 2015; opinion issued July 21, 2015

Attorneys: ISP was represented by Mary Anne Lindsey and Robert W. Haeckel of Evans & Dixon LLC in St. Louis, (314) 621-7755; and Michael Alcorn was represented by Nancy R. Mogab of Mogab & Hughes Attorneys PC in St. Louis, (314) 241-4477. The Missouri Association of Trial Attorneys, which filed a brief as a friend of the Court, was represented by Randy Charles Alberhasky of The Alberhasky Law Firm PC in Springfield, (417) 865-4444.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: An employer seeks to make permanent the Supreme Court of Missouri’s writ prohibiting the labor and industrial relations commission from exercising jurisdiction to determine the employer’s liability for an injured employee’s future medical care. In a decision written by Judge Richard B. Teitelman and joined by four other judges, the Court quashes its writ. The workers’ compensation law gives the commission the sole authority to determine the extent of a claimant’s entitlement to worker’s compensation benefits. Nothing in the law prohibits the commission from exercising jurisdiction in a case like this, in which the parties entered into essentially a partial settlement that left the issue of the employee’s future medical care open for future determination.

Facts: Michael Alcorn and his employer, ISP Minerals Inc., settled his claim for workers’ compensation benefits arising out of a work-related pulmonary condition. Pursuant to the settlement, ISP paid Alcorn a lump sum for his permanent partial disability. With regard to Alcorn’s future medical costs, ISP agreed in the settlement to leave open future related pulmonary medical care. The settlement further provided for medical care through a particular doctor in St. Louis. An administrative law judge approved the settlement. ISP paid for Alcorn’s medical monitoring as set forth in the settlement but refused to pay for certain inhaler medicines the doctor prescribed because ISP’s physician determined the inhalers were unnecessary. Alcorn asked the labor and industrial relations commission for a hearing to determine whether ISP is required to pay for the inhalers. The commission determined it retained jurisdiction to determine ISP’s liability for Alcorn’s future medical care. ISP seeks to make permanent this Court’s writ prohibiting the commission from exercising jurisdiction.

WRIT QUASHED.

Court en banc holds: The commission’s jurisdiction and authority is defined solely by the statutes that create and govern it. Section 286.060.1(3), RSMo, provides that it “shall be” the commission’s duty, and “it shall have power, jurisdiction and authority” conferred or imposed on it by the workers’ compensation law, chapter 287, RSMo. For nearly 90 years, that chapter has provided the exclusive remedy for employees injured in the course of their employment. Nothing in the plain language of section 287.390.1 – which permits parties to settle workers’

compensation claims – divests the commission of jurisdiction to determine the extent of a claimant’s entitlement to worker’s compensation benefits pursuant to a settlement that expressly leaves the issue of future medical care “open” and indeterminate. Nor does the statute bar parties from entering into a partial settlement leaving the issue of future medical care open for future determination. Cases ISP cites for authority are not dispositive because they are materially different. Unlike the claimants in other cases, Alcorn is not seeking relief from a final lump-sum settlement that left nothing open to future determination and is not seeking to amend the settlement to obtain compensation in addition to which the parties agreed. This also is not a case in which Alcorn can file an action under section 287.500, which does not involve the merits of an award and does not allow the court to determine any outstanding factual issue. Requiring Alcorn to file an action in the circuit court to determine ISP’s liability for future medical care is wholly inconsistent with the commission’s jurisdiction to determine such liability under the workers’ compensation law.